

House Bill 156 (AS PASSED HOUSE AND SENATE)

By: Representatives Harbin of the 118<sup>th</sup>, Anderson of the 117<sup>th</sup>, and Sims of the 119<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 2 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrates, so as to provide that elected magistrate judges who are performing ordered military duty may continue in office and be eligible for reelection during such duty; to provide for qualifying for election by mail, messenger, or agent during such duty; to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that elected public officials who are performing ordered military duty may continue in office and be eligible for reelection during such duty; to provide for qualifying for election by mail, messenger, or agent during such duty; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrates, is amended by adding a new Code section as follows:

"15-10-20.1.

(a) Any elected chief magistrate or elected magistrate who is performing ordered military duty, as defined in Code Section 38-2-279, shall be eligible for reelection in any primary or general election which may be held to elect a successor for the next term of office, and may qualify in absentia as a candidate for reelection to such office. The performance of ordered military duty shall not create a vacancy in such office during the term for which such judge was elected.

(b) Where the giving of written notice of candidacy is required, any elected chief magistrate or elected magistrate who is performing ordered military duty may deliver such notice by mail, agent, or messenger to the proper elections official. Any other act required by law of a candidate for the office of chief magistrate or magistrate judge may, during the

time such official is on ordered military duty, be performed by an agent designated in writing by the absent chief magistrate or magistrate judge."

## SECTION 2.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by revising Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, by adding a new subsection to read as follows:

"(j)(1) Notwithstanding any provision of law to the contrary, any elected public officer who is performing ordered military duty, as defined in Code Section 38-2-279, shall be eligible for reelection in any primary or general election which may be held to elect a successor for the next term of office, and may qualify in absentia as a candidate for reelection to such office. The performance of ordered military duty shall not create a vacancy in such office during the term for which such public officer was elected.

(2) Where the giving of written notice of candidacy is required, any elected public officer who is performing ordered military duty may deliver such notice by mail, agent, or messenger to the proper elections official. Any other act required by law of a candidate may, during the time such officer is on ordered military duty, be performed by an agent designated in writing by the absent public officer."

## SECTION 3.

Said chapter is further amended by revising Code Section 21-2-153, relating to qualification of candidates for party nomination in a state or county primary, by adding a new subsection to read as follows:

"(g)(1) Notwithstanding any provision of law to the contrary, any elected public officer who is performing ordered military duty, as defined in Code Section 38-2-279, shall be eligible for reelection in any primary or general election which may be held to elect a successor for the next term of office, and may qualify in absentia as a candidate for reelection to such office. The performance of ordered military duty shall not create a vacancy in such office during the term for which such public officer was elected.

(2) Where the giving of written notice of candidacy is required, any elected public officer who is performing ordered military duty may deliver such notice by mail, agent, or messenger to the proper elections official. Any other act required by law of a candidate may, during the time such officer is on ordered military duty, be performed by an agent designated in writing by the absent public officer."

59 **SECTION 4.**

60 This Act shall become effective upon its approval by the Governor or upon its becoming law  
61 without such approval.

62 **SECTION 5.**

63 All laws and parts of laws in conflict with this Act are repealed.